

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CONSTELLATION NEWENERGY, INC., :

Plaintiff, : Civil Action No. 02-CV-2733 (HB)
v. :
POWERWEB TECHNOLOGIES, INC., :
Defendant. :

**PLAINTIFF CONSTELLATION NEWENERGY, INC.'S MOTION
TO STRIKE THE SECOND EXPERT REPORT OF CONSTANTINOS PAPPAS
AND PRECLUDE EVIDENCE**

Plaintiff Constellation NewEnergy, Inc., respectfully moves to strike the second expert report of Constantinos Pappas, CPA, submitted by Defendant Powerweb Technologies, Inc., and preclude evidence pursuant to Federal Rules of Civil Procedure 26 and 37 for the reasons set forth in the accompanying Memorandum of Law, which is incorporated herein by reference.

For WOLF, BLOCK, SCHORR AND SOLIS-COHEN LLP

s/DL422

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Dated: June 21, 2004